

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of **FARER, et al.**

Confirmation No.: **5265**

U.S. Patent number: **7,537,753**

Issue Date: **May 26, 2009**

Application No.: **10/520,561**

Filed: **January 7, 2005**

Attorney Docket No.: **3975-038**

For: **MOISTURE-PROOF MASCARA COMPOSITION**

**PETITION FOR RETROACTIVE FOREIGN FILING LICENSE
UNDER 35 U.S.C. §184**

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Pursuant to 35 U.S.C. §184 and 37 C.F.R. §5.25, Applicants respectfully petition for a retroactive foreign filing license for the subject matter disclosed in the instant U.S. Application and the following previously filed German, Canadian, European and International Patent Applications to which the instant application claims priority:

German Appln. No.: **DE 10233288.6 filed July 18, 2002**

Int. Appln. No.: **PCT/EP03/07751 filed July 16, 2003**

Canadian Appln. No.: **CA 2,492,105 filed July 16, 2003**

EPO Appln. No.: **EP 03765010.8 regional phase filed July 16, 2003, that issued as EPO Patent No. 1523299 of May 24, 2006 and was validated in DE, ES, FR, GB, IT, MC & NL.**

Pursuant to 37 C.F.R. §5.14(a), Applicant requests that the subject matter being licensed be measured by the disclosure of the U.S. Application identified by the following information:

U.S. Application Serial No.: **10/520,561**

Filing Date: **January 7, 2005**

Inventors: Alan FARER, Yelena LOGINOVA and Ralph MACCHIO
Title: LIQUID COSMETIC CLEANSING-AGENT COMPOSITION

All four of the relevant foreign patent applications were filed with the European Patent Office directly or as a receiving office. The first was German Patent Application No. DE 10233288.6, filed July 18, 2002, which was the priority application for International Application No. PCT/EP03/07751, filed July 16, 2003. Canadian Patent Application No. CA 2,492,105 filed January 7, 2005, and the European Patent Application No. EP 03765010.8, filed January 24, 2005, were filed as national/regional phase entries of the International Application.

Pursuant to 37 C.F.R. §5.25(a)(3), Applicants submit herewith a "Verified Statement Pursuant to 37 C.F.R. 5.25(a)(3)" executed by the Applicant's German counsel.

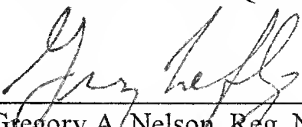
Pursuant to 37 C.F.R. §5.25(a)(4), this Petition is accompanied by credit card authorization to charge the \$200 fee for a retroactive foreign filing license. Although no additional fees are believed due, the Commissioner is hereby authorized to charge any deficiency or credit any surplus to Deposit Account No. 14-1437.

If anything further is necessary for consideration of Applicants' Petition for Retroactive License for Foreign Filing is necessary, the Examiner is respectfully requested to contact the undersigned, Greg Lefkowitz (direct line 561-847-7806).

Respectfully submitted,

NOVAK DRUCE + QUIGG

Date: November 18, 2010



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